

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PERRY SHALLEY,

Plaintiff,

V.

FLEET CREDIT CARD SERVICES, LP  
and FLEET CREDIT CARD, LLC

Defendants.

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CIVIL ACTION NO.: 02 CV 4709  
J. Green

**MOTION FOR ENLARGEMENT OF TIME**

Defendants, Fleet Credit Card Services, LP and Fleet Credit Card, LLC, by and through counsel, McKissock & Hoffman, P.C., hereby move this Honorable Court for an Order allowing for a ten (10) day extension to file their Motion for Summary Judgment. In support thereof, defendants state as follows:

1. On October 23, 2002, the parties agreed to extend the discovery deadline to December 31, 2002. (See a true and correct copy of the parties Stipulation attached hereto as Exhibit "A").

2. Despite several attempts to schedule plaintiff's deposition testimony well in advance of the discovery deadline, plaintiff did not appear for his deposition testimony until December 26, 2002.

3. Defense counsel requested an expedited transcript of plaintiff's deposition testimony which was not received until January 7, 2003.

4. Additionally, lead defense counsel, Maureen P. Fitzgerald, Esquire, suffered from medical complications associated with her pregnancy.

5. Moreover, Attorney Fitzgerald's newborn child was recently hospitalized due to severe infection following delivery.

6. In light of the above, on January 10, 2003, defense counsel contacted plaintiff's counsel to request a ten (10) day extension for filing Defendants' Motion for Summary Judgment.

7. Initially, plaintiff's counsel consented to the extension but subsequently rescinded the agreement by conditioning the extension upon plaintiff's ability to depose additional witnesses beyond the discovery deadline.

8. Pursuant to Federal Rule of Civil Procedure 6(b), a Court may enlarge the period of time prescribed by previous Order if the party seeking an extension shows cause and the request is made before the expiration of the deadline. See Fed. R.C.P. 6(b).

9. In light of defense counsel's medical complications and plaintiff's failure to timely appear for his scheduled depositions, defendants have demonstrated sufficient cause for an enlargement of time.

10. In the instant matter, there is clearly no prejudice if the Court were to grant an enlargement of time as a trial date has not yet been scheduled. Further, defendants are merely seeking a ten (10) day extension.

**WHEREFORE**, Defendants, Fleet Credit Card Services, LP and Fleet Credit Card, LLC, by and through counsel, McKissock & Hoffman, P.C., respectfully request that this Honorable Court grant Defendants' Motion for Enlargement of Time pursuant to Federal Rule of Civil Procedure 6(b) and allow Defendants a ten (10) day extension to file their Motion for Summary Judgment.

By: \_\_\_\_\_

Melissa B. Gorsline, Esquire  
Maureen P. Fitzgerald, Esquire  
McKissock & Hoffman, P.C.  
Attorneys for Defendants,  
Fleet Credit Card Services, L.P. and  
Fleet Credit Card, LLC

Dated: January 10, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused an original and one copy of Defendants, Fleet Credit Card Services, L.P. and Fleet Credit Card, LLC's, Motion for Enlargement of Time to be mailed via first-class, postage prepaid to Lawrence Solomon, Esquire, at Solomon, Sherman & Gaby, 1207 Chestnut Street, 5<sup>th</sup> Floor, Philadelphia, PA 19107, on this the 10th day of January 2003.

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MELISSA GORSLINE  
MAUREEN FITZGERALD

Dated: January 10, 2003

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**ORDER**

**AND NOW**, this       day of January 2003, upon consideration of Defendants' Motion for Enlargement of Time, it is hereby **ORDERED** and **DECREED** that Defendants' motion for an extension of ten (10) days to file their Motion for Summary Judgment is **GRANTED**.

**BY THE COURT:**

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**J.**